



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

October 8, 1999

Reply To

Attn. Of: WCM-126

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Peter Wold
RCI Environmental, Inc.
P.O. Box 1668
Sumner, WA 98390

Re: **NOTICE OF VIOLATION**

Administrative Order on Consent for Corrective Action ("Order")
Under the Resource Conservation and Recovery Act ("RCRA")
Docket No. 1091-11-20-3008(h)
Rhone-Poulenc Inc. Marginal Way Facility
WAD 00928 2302

Dear Mr. Wold:

On October 6, 1999, Kim Ogle of my staff, received an electronic mail message from you which indicated that Container Properties, LLC./Rhodia, Inc. had begun installing wells on Monday October 4, 1999. These wells were being installed pursuant to a voluntary interim measure work plan.

Paragraph 11.2 of the above referenced Order requires that, "Respondent shall notify U.S. Environmental Protection Agency (EPA) and Ecology in writing, at least ten (10) days before engaging in any field activities, such as well drilling, installation of equipment, or sampling." Based on the information in your message, this notice was due to EPA on Friday, September 24, 1999. To date, EPA does not have a written notification from Container Properties, LLC/Rhodia, Inc. Accordingly, Container Properties, LLC/Rhodia, Inc. has violated Paragraph 11.2 of the above referenced Order.

Required Action:

The above violation may subject Container Properties, LLC/Rhodia, Inc to stipulated penalties as specified in Paragraph 15.1(D) of the Order. Within fifteen (15) days of receipt of this NOV, EPA requests that Container Properties, LLC/Rhodia, Inc. respond to the above violation and indicate what measures it has taken to prevent future noncompliance.

WA 2302
10/8/99
4c

WAD 00928 2302

FILE COPY

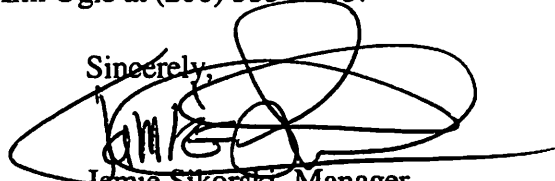
EPA Reservation of Rights:

Notwithstanding this NOV or your response, EPA reserves the right to take any action pursuant to RCRA, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), or any other applicable legal authority, including without limitation, the right to seek injunctive relief, implementation of response actions or corrective measures, cost recovery, monetary penalties, and punitive damages. Your response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or your response shall affect the Facility's duties, obligations, or responsibilities with respect to the Facility under local, state, or federal regulation.

Thank you for your prompt attention to this important matter. Please direct any questions you may have regarding this NOV to Kim Ogle at (206) 553-0955.

Sincerely,




Jamie Sikorski, Manager
RCRA Compliance Unit

cc: B. Maeng, Ecology NWRO
D. Verfurth, Carney Badley Smith & Spellman
C. Blumenfeld, Perkins Coie
M. Smith, AGI Technologies

bcc: J. MacDonald, ORC
 K. Ogle, OWCM RCU
 R. Fuentes, OEA
 M. Bailey, OEA
 C. Brown, Permits Team

CONCURRENCES:

INITIALS <small>✉</small>	CB OK	see below	KWO		POLICY FILE		RCRIS INFO SUBMITTED	
NAME <small>✉</small>	BROWN	PEER REVIEW	OGLE	MACDONALD A. BOYD	YES	NO	YES	NO
DATE <small>✉</small>		see below	10/7	10/7/99			ATTACHED	

PEER REVIEW:

INITIALS <small>✉</small>					
NAME <small>✉</small>	JONES	HEDEEN	MEYER	PALUMBO	RICHARDSON
DATE <small>✉</small>					

NA

OgleK/IKohl:WCM-126:10/7/99:rhodia-nov.wpd